

505 KAR 2:010. Definitions.

RELATES TO: KRS 15A.210

STATUTORY AUTHORITY: KRS 15A.210-15A.240

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.210 mandates that the Department of Juvenile Justice issue administrative regulations governing secure juvenile detention centers and juvenile holding facilities.

Section 1. Definitions. The following definitions shall apply in this chapter:

- (1) "Adjudicatory hearing" means a hearing to determine whether the allegations of a petition are supported by evidence.
- (2) "Admission" means the point of entry into a program; during admission processing the juvenile receives an orientation to the goals of the program and program rules and regulations. Assignment to living quarters and to appropriate staff members shall also be completed at this time.
- (3) "Agency" means the unit of a governing authority which has direct responsibility for the operation of a juvenile detention center program, including the implementation of policy as set by the governing authority.
- (4) "Agency administrator" means the jailer or the administrative officer appointed by the governing authority that is responsible for all operations of the agency and all related programs placed under control of the agency.
- (5) "Casework" means the function of the caseworker, social worker, or other professional in providing services to the juvenile.
- (6) "Chronic care" means health care provided to patients over a long period of time.
- (7) "Cocorrectional facility" means an institution designed to house both male and female juveniles.
- (8) "Code of ethics" means a set of rules describing acceptable standards of conduct for all employees.
- (9) "Community resources" means those social and welfare agencies, service clubs, citizen interest groups, self-help groups, and citizen volunteers who have the potential to assist juveniles.
- (10) "Contraband" means any item possessed by juveniles or found within the facility that is illegal by law or that is expressly prohibited by those legally charged with the responsibility for administration and operation of the facility or program.
- (11) "Corporal punishment" means any act of inflicting punishment directly on the body, causing pain or injury.
- (12) "Detention" means the care of a youth who requires custody in a physically restricting facility or program.
- (13) "Dispositional hearing" means a hearing held subsequent to the adjudicatory hearing in order to determine what order of disposition should be made concerning any adjudicated child.
- (14) "Dormitory" means any room sleeping more than five (5) juveniles.
- (15) "Educational program" means a program of formal academic education or a vocational training activity designed to improve the juvenile's employment capability.
- (16) "Emergency care" means care for an acute illness or unexpected health care need that cannot be deferred until the next scheduled sick call.
- (17) "Environmental health" means all the conditions, circumstances, and surrounding influences that affect the health of persons or groups required to be in the area.

(18) "Facility" means a place, an institution, a building or part thereof, set of buildings, or an area, whether or not enclosing a building or set of buildings, which is used for the lawful custody and treatment of youths and may be owned or operated by public or private agencies.

(19) "First aid" means care for a condition that requires immediate assistance from a person trained in first aid care and the use of the facility's first aid kits.

(20) "Governing authority" means for public or governmental agencies, the administrative department or division to which the agency reports; it is the policy-setting body. For private agencies, this may be an administrative headquarters or central unit, or the board of directors or trustees.

(21) "Grievance" means a circumstance or action made by a youth which is considered to be unjust and grounds for complaint or resentment.

(22) "Handicapped youth" means a person with a mental or physical impediment or disadvantage that restricts that person's ability to utilize programs or services.

(23) "Holidays" means all days legally designated as nonworkdays by statute or by the governing authority.

(24) "Information system" means the collection, organization, and delivery of information for administrative use.

(25) "Independent outside source" means a person qualified by license, education, or experience to examine a condition or service. To be considered independent, the examiner shall not be in the employment of the facility being inspected. An auditor or inspector examining a program or condition within a community center may not be an employee of that center and still be considered independent.

(26) "Juvenile" means a person under the age of eighteen (18) and shall mean the same as "child" defined in KRS 600.020(5).

(27) "Juvenile court" means the juvenile session of the district court.

(28) "Life safety code" means a manual published and updated by the National Fire Protection Association specifying minimum standards for fire safety necessary in the public interest including corrections facilities.

(29) "Official personnel file" means a current and accurate record of the employee's job history, including all important information relating to that history.

(30) "Parent" means the biological or adoptive mother or father of a youth.

(31) "Person exercising similar custodial control or supervision" means a person who has assumed the role and responsibility of a parent or guardian for the youth, but who does not necessarily have legal custody of the youth.

(32) "Physical examination" means a thorough evaluation of a patient's current physical condition and medical histories conducted by, or under the supervision of, a licensed professional.

(33) "Placing authority" means that court or agency with the authority to order a juvenile into a specific placement. This may be the juvenile court, the Department of Juvenile Justice, or other duly constituted and authorized placement agency.

(34) "Policy" means a definite, stated course or method of action that guides and determines present and future decisions and activities. A policy is a statement of principles that guides the agency in the attainment of objectives. To comply with a standard that requires a policy for a certain area, there shall be not only a written policy, but also evidence that a line of action or principle has been adopted and is being followed by the agency.

(35) "Procedure" means a procedure that provides the detailed and sequential actions that must be executed to ensure that a policy is fully implemented.

(36) "Professional associations" means a collective body of persons engaged in a particular profession or vocation, e.g., the American Correctional Association, the American Medical Association.

ciation, the National Association of Clinical Psychologists, and the National Juvenile Detention Association.

(37) "Program" means the plan or system through which a juvenile detention facility agency works to meet its goals.

(38) "Public offense" means an act if committed by an adult would be a crime.

(39) "Rated capacity" means the actual number of beds available for regular use. This does not include hospital beds, segregation beds, or other spaces used only on a temporary basis.

(40) "Renovation" means a significant structural or design change in the physical plant of a facility.

(41) "Secure institution" means any facility that is designed and operated to ensure that all entrances and exits are under the exclusive control of the facility's staff, thereby not allowing a juvenile to leave the facility unsupervised or without permission.

(42) "Security devices" means locks, gates, doors, bars, fences, screens, ceiling, floors, walls, and barriers used to confine and control detained persons. Also included are electronic monitoring equipment, security alarm systems, security light units, auxiliary power supplies, and other equipment used to maintain facility security.

(43) "Training" means formal classroom instruction; on-the-job training under the direction of an instructor or coworker; training meetings, staff meetings or conferences that include a formal agenda and instruction by a teacher, manager, or official; physical training; or other instructional programs that include a trainer and trainee relationship. Training programs include requirements for completion, attendance recording, and a system for recognition of completion.

(44) "Volunteers" means persons who donate their time and effort to enhance the activities of the program. They are selected on the basis of their skills or personal qualities to provide services in recreation, counseling, education, religious activities, etc. (26 Ky.R. 1268; 1541; eff. 2-14-2000; Crt eff. 3-13-2019.)